

**DECLARATION OF MICAH WEST IN SUPPORT OF
MOTION FOR PRELIMINARY INJUNCTION
& MOTION FOR CLASS CERTIFICATION**

I, Micah West, an attorney for Plaintiff in this matter, state:

1. I am a staff attorney for the Southern Poverty Law Center and have knowledge of the facts contained herein.

2. A **Table of Exhibits** is attached hereto for the Court's convenience.

3. Attached as **Exhibit A** is a true and correct copy of the Bail Schedule for Randolph County (as revised February 18, 2016).

4. Attached as **Exhibit B** are true and correct copies of 20 Orders on Initial Appearance entered in Randolph County.

5. Attached as **Exhibit C** is a true and correct copy of a May 4, 2017 press release from the New Jersey Administrative Office of the Courts entitled *First Quarter Statistics Show Criminal Justice Reform Meeting Initial Goals*.

6. Attached as **Exhibit D** is a true and correct copy of the jail logs produced to me by Jamie Kidd. The logs were originally produced as an Excel spreadsheet; they have been printed as a PDF for purposes of this declaration.

7. Attached as **Exhibit E** is a true and correct copy of the Order and Judgment entered April 26, 2016 in *Martinez v. City of Dodge City*, District of Kansas Case No. 15-CV-9344-DDC-TJJ.

8. Attached as **Exhibit F** is a true and correct copy of the Statement of Interest of the United States filed February 13, 2015 in *Varden v. City of Clanton*, Middle District of Alabama Case No. 2:15-cv-34-MHT-WC.

9. Attached as **Exhibit G** is a true and correct copy of the Brief for the United States as Amicus Curiae Supporting Plaintiff-Appellee and Urging Affirmance filed August 18, 2016 in *Walker v. City of Calhoun*, 11th Circuit Case No. 16-10521-HH.

10. Attached as **Exhibit H** is a true and correct copy of the American Bar Association's Criminal Justice Section Standards on Pretrial Release, last accessed May 12, 2017.

11. Attached as **Exhibit I** is a true and correct copy of a publication of the Laura and John Arnold Foundation by Christopher T. Lowenkamp, Marie VanNostrand, and Alexander Holsinger entitled *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*, published in November 2013.

12. Attached as **Exhibit J** is a true and correct copy of a paper by Megan Stevenson entitled *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes* dated January 8, 2017.

13. Attached as **Exhibit K** is a true and correct copy of a paper by Arpit Gupta, Christopher Hansman, and Ethan Frenchman entitled *The Heavy Costs of High Bail: Evidence from Judge Randomization* dated August 18, 2016.

14. Attached as **Exhibit L** is a true and correct copy of a publication of the Department of Justice National Institute of Corrections by Timothy R. Schnacke entitled *Fundamentals of Bail: A Resource Guide for Pretrial Practitioners and a Framework for American Pretrial Reform*, published in September 2014.

15. Attached as **Exhibit M** is a true and correct copy of a publication of the Pretrial Justice Institute by Michael R. Jones entitled *Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option*, published in October 2013.

16. Attached hereto as **Exhibit N** is a true and correct copy of an online newspaper article by Kevin Litten entitled *New Orleans City Council votes to end jailing of indigent offenders on minor crimes*, published in The Times Picayune on January 12, 2017.

17. Attached as **Exhibit O** is a true and correct copy of a report by Mark Heyerly entitled *Pretrial Reform in Kentucky*, published in January 2013.

18. Attached as **Exhibit P** is a true and correct copy of a publication of the Laura and John Arnold Foundation by Christopher T. Lowenkamp, Marie VanNostrand, and Alexander Holsinger entitled *The Hidden Costs of Pretrial Detention*, published in November 2013.

19. Attached as **Exhibit Q** is a true and correct copy of an article by Paul Heaton, Sandra Mayson & Megan Stevenson entitled *The Downstream Consequences of Misdemeanor Pretrial Detention*, published in the Stanford Law Review in March 2017.

20. Attached as **Exhibit R** is a true and correct copy of a December 6, 2016 web story by the Southern Poverty Law Center entitled *SPLC prompts 50 Alabama cities to reform discriminatory bail practices*.

21. Attached as **Exhibit S** is a true and correct copy of an online newspaper article by Amy Julia Harris entitled *Alabama cities agree to stop jailing people too poor to post bond*, published in Reveal on December 8, 2016.

22. Attached as **Exhibit T** is a true and correct copy of an online newspaper article by Kent Faulk entitled *Jefferson County bail reforms aimed at keeping poor out of jail*, published on Al.com on May 10, 2016.

23. Attached as **Exhibit U** is a true and correct copy of *Release Rates for Pretrial Defendants within Washington, DC*, as produced by the Pretrial Services Agency for the District of Columbia.

24. Attached as **Exhibit V** is a true and correct copy of *Outcomes for Last Four Years*, compiled by the Pretrial Services Agency for the District of Columbia. The tables on this document were downloaded separately from the web page in order to capture data available online through an embedded application.

25. Attached as **Exhibit W** is a true and correct copy of *The D.C. Pretrial Services Agency: Lessons from Five Decades of Innovation and Growth*, published as Volume 2 No. 1 of Case Studies, an e-publication of the Pretrial Justice Institute.

26. Attached as **Exhibit X** is a true and correct copy of *Pretrial Release and Misconduct in Federal District Courts, 2008 – 2010*, a special report by Thomas H. Cohen and published by the United States Department of Justice Bureau of Justice Statistics in November 2012.

27. Attached as **Exhibit Y** is a true and correct copy of the Affidavit of Substantial Hardship and Order forms approved by the State of Alabama Unified Judicial System as Forms 10-C, 10-C(A), and 10-C(B).

28. Attached as **Exhibit Z** is a true and correct copy of the Foley Municipal Court Standing Order Regarding Bail entered December 27, 2016.

29. Attached as **Exhibit AA** is a true and correct copy of the International Association of Chiefs of Police's Resolution on the Pretrial Release and Detention Process, entered October 21, 2014.

30. Attached as **Exhibit BB** is a true and correct copy of the Pretrial Justice Institute's publication *Pretrial Justice: How Much Does it Cost?*.

31. Attached as **Exhibit CC** is a true and correct copy of the United States Courts' July 18, 2013 publication *Supervision Costs Significantly Less than Incarceration in Federal System*.

32. Attached as **Exhibit DD** is a true and correct copy of a report of the Prison Policy Initiative by Peter Wagner and Bernadette Rabuy entitled *Following the Money of Mass Incarceration*, published January 25, 2017.

33. Attached as **Exhibit EE** is a true and correct copy of *Incarceration's Front Door: The Misuse of Jails in America*, a publication of the Vera Institute of Justice by Ram Subramanian, Ruth Delaney, Stephen Roberts, Nancy Fishman, and Peggy McGarry released in February 2015 and updated on July 29, 2015.

34. Attached as **Exhibit FF** is a true and correct copy of web story entitled *Jefferson County bail reforms aimed at keeping poor out of jail* by Vanessa Sorrell Burnside, published in the Randolph Leader on February 10, 2016.

35. Attached as **Exhibit GG** is a true and correct copy of the Brief for American Bar Association as Amicus Curiae in Support of Appellees and Affirmance filed February 13, 2015 in *Walker v. City of Calhoun*, 11th Circuit Case No. 16-10521.

36. Attached as **Exhibit HH** is a true and correct copy of the National Sheriffs' Association Resolution 2012-6, *National Sheriffs' Association Supports & Recognizes the Contribution of Pretrial Services Agencies to Enhance Public Safety*, adopted June 18, 2012.

37. Attached as **Exhibit II** is a true and correct copy of a speech made by Vanita Gupta, Head of the Civil Rights Division of the U.S. Department of Justice, on February 19, 2016 and published online as *Head of the Civil Rights Division Vanita Gupta Delivers Remarks at the Symposium on the Criminalization of Poverty at University of Michigan Law School*.

38. Attached as **Exhibit JJ** is a true and correct copy of a letter dated October 25, 2016 from Brian E. Frosh, Maryland Attorney General, to the Honorable Alan M. Wilner, Chair, Standing Committee on Rules of Practice and Procedure.

39. Attached as **Exhibit KK** is a true and correct copy of Answer to Plaintiffs' Third Amended Complaint by Sheriff Vicki Hennessy filed November 1, 2016 in *Buffin v. Hennessy*, Northern District of California Case No. C15-4959-YGR.

40. Attached as **Exhibit LL** is a true and correct copy of *The Coming Constitutional Crisis in Bail: I** by Caleb Foote, published in the University of Pennsylvania Law Review in May 1965.

41. Attached as **Exhibit MM** is a true and correct copy of the cover, cover page, copyright information, and forward to Ronald Goldfarb's *Ransom: A Critique of the American Bail System*, published in 1965. The forward was written by the Honorable Arthur J. Goldberg.

42. Attached as **Exhibit NN** is a true and correct copy of President Lyndon B. Johnson's Remarks at the Signing of the Bail Reform Act of 1966, published online through the American Presidency Project.

43. Attached as **Exhibit OO** is a true and correct copy of *The Price of Jails: Measuring the Taxpayer Cost of Local Incarceration*, a publication of the Vera Institute of Justice by Christian Henrichson, Joshua Rinaldi, and Ruth Delaney released in May 2015.

44. Attached as **Exhibit PP** is a true and correct copy of the Laura and John Arnold Foundation's *Pretrial Criminal Justice Research Summary* dated November 2013.

45. Attached as **Exhibit QQ** is a true and correct copy of an article by Nick Pinto entitled *The Bail Trap*, published in the New York Times on August 13, 2015.

46. Attached as **Exhibit RR** is a true and correct copy of census data for Randolph County, Alabama, including the table *Poverty Status in the Past 12 Months: 2011-2015 American Community Survey 5-Year Estimates*, compiled by the U.S. Census Bureau.

47. Attached as **Exhibit SS** is a true and correct copy of the complaint charging Plaintiff Kandace Kay Edwards with possession of a forged instrument in the second degree.

48. SPLC has contacted every Alabama municipality over 5,000 people about their municipal court bail procedures. SPLC has received standing orders or correspondence from 73 municipalities indicating that they no longer require most municipal court defendants to pay secured money bail following arrest for a misdemeanor or municipal offense.

49. On April 6, 2017, I reviewed the Randolph County jail logs, which are available online. There were 40 people detained on that date on a money bail amount.

I swear, under penalty of perjury, that the information in this affidavit is true to the best of my memory, knowledge, and belief.

Executed at Montgomery, Alabama this May 18, 2017.



Micah West
Staff Attorney, Southern Poverty Law Center

CERTIFICATE OF SERVICE

I hereby certify that arrangements have been made to, on this date, deliver a true and correct copy of the foregoing by hand delivery to the following at the below addresses:

David Cofield, Sheriff
Randolph County Sheriffs' Office
1 N Main Street
Wedowee, AL 36278

Hon. Jill Puckett, Magistrate
Randolph County District Court
1 N Main Street
Wedowee, AL 36278

Christopher May, Circuit Clerk
Randolph County Circuit Court
1 N Main Street
Wedowee, AL 36278

Hon. Clay Tinney, Judge
Randolph County District Court
1 N Main Street
Wedowee, AL 36278

Formal proof of service will be filed with the Court when completed.

I further certify that arrangements have been made to, on this date, deliver a true and correct courtesy copy of the foregoing by hand delivery and by electronic mail to the following:

James W. "Jim" Davis, Section Chief
Constitutional Defense Section
Office of the Attorney General
501 Washington Avenue
Montgomery, AL 36104
E: jimdavis@ago.state.al.us

Jamie H. Kidd
J. Randall McNeill
WEBB & ELEY, P.C.
P.O. Box 240909
Montgomery, AL 36124
E: jkidd@webbeley.com
E: rmcneill@webbeley.com

John Alvin Tinney
Randolph County Attorney
P.O. Box 1430
Roanoke, AL 36274-9121
E: johntinneyattorney@gmail.com

on this May 18, 2017.



Samuel Brooke